

107TH CONGRESS
1ST SESSION

S. 1508

To increase the preparedness of the United States to respond to a biological or chemical weapons attack.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2001

Mr. CORZINE (for himself, Mr. REED, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To increase the preparedness of the United States to respond to a biological or chemical weapons attack.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Biological and Chem-
5 ical Attack Preparedness Act”.

6 **SEC. 2. STATE PUBLIC HEALTH DISASTER PLANS.**

7 (a) IN GENERAL.—Not later than 120 days after the
8 publication of the standards developed by the Secretary
9 of Health and Human Services (in this Act referred to
10 as the “Secretary”) under subsection (c), each State shall

1 develop a State public health disaster plan for responding
2 to biological or chemical attacks. Not later than 180 days
3 after the publication of such standards, each State shall
4 fully implement the State's plan.

5 (b) REQUIREMENTS OF PLAN.—A State public health
6 disaster plan developed under subsection (a) shall—

7 (1) comply with the standards developed under
8 subsection (c);

9 (2) require designated hospitals and health care
10 providers in the State to have procedures in place to
11 provide health care items and services (including
12 antidotes, vaccines or other drugs or biologicals) to
13 all State residents in the event of a biological or
14 chemical attack;

15 (3) require that hospitals and health care pro-
16 viders designated under paragraph (2) conduct
17 drills, on a semiannual or other basis determined ap-
18 propriate by the Secretary, to ensure the readiness
19 of such hospital or provider to receive and treat vic-
20 tims of a biological or chemical attack;

21 (4) be developed in consultation with affected
22 local governments and hospitals; and

23 (5) meet such other requirements as the Sec-
24 retary determines appropriate.

1 (c) STANDARDS.—Not later than 120 days after the
2 date of enactment of this Act, the Secretary of Health and
3 Human Services shall develop, and publish in the Federal
4 Register, standards relating to State public health disaster
5 plans, including requirements relating to the equipment,
6 training, treatment, and personnel that a hospital or
7 health care provider must have to be a designated hospital
8 or provider under such plan.

9 (d) SUBMISSION TO SECRETARY.—

10 (1) IN GENERAL.—Not later 360 days after the
11 date on which standards are published under sub-
12 section (c), and annually (or at such other regular
13 periods as the Secretary may determine appropriate)
14 thereafter, a State shall submit to the Secretary for
15 approval the disaster plan developed by the State
16 under this section. The Secretary may only approve
17 such plan if the Secretary determines that the plan
18 complies with such standards.

19 (2) MONITORING.—The Secretary shall monitor
20 the States to determine whether each State has de-
21 veloped and implemented a State disaster plan in ac-
22 cordance with this section.

23 (e) MEDICAID STATE PLAN REQUIREMENT.—Section
24 1902(a) of the Social Security Act (42 U.S.C. 1396a(a))
25 is amended—

1 (1) in paragraph (64), by striking “and” at the
2 end;

3 (2) in paragraph (65), by striking the period at
4 the end and inserting “; and”, and

5 (3) by inserting after paragraph (65) the fol-
6 lowing:

7 “(66) provide that the State shall develop, for
8 approval by the Secretary, and have in effect a State
9 public health disaster plan for responding to biologi-
10 cal or chemical attacks in accordance with section 2
11 of the Biological and Chemical Attack Preparedness
12 Act, except that this paragraph shall not apply to a
13 State if the Secretary waives the application of this
14 paragraph because of the existence of exceptional
15 circumstances.”.

16 **SEC. 3. GRANTS FOR TRAINING, EQUIPMENT, AND PER-**
17 **SONNEL.**

18 (a) IN GENERAL.—The Secretary, acting through the
19 Director of the Office of Emergency Preparedness, shall
20 award grants to hospitals and health care providers to en-
21 able such hospitals and providers to provide training, give
22 treatment, purchase equipment, and employ personnel.

23 (b) ELIGIBILITY.—

24 (1) IN GENERAL.—To be eligible for a grant
25 under subsection (a), a hospital or health care pro-

1 vider shall in consultation with the State, prepare
2 and submit to the Director of the Office of Emer-
3 gency Preparedness, an application at such time, in
4 such manner, and containing such information as
5 the Director may require.

6 (2) PREFERENCE FOR DESIGNATED HOSPITALS
7 AND PROVIDERS.—In awarding grants under this
8 section, the Director shall give priority to applicant
9 hospitals and health care providers that are des-
10 ignated hospitals or providers under the State public
11 health disaster plan under section 2.

12 (3) GOVERNMENTAL ENTITIES.—Notwith-
13 standing paragraph (1)(A), the Director may award
14 a grant under this section to a State or local govern-
15 mental entity if the Secretary determines that such
16 an award is appropriate.

17 (c) USE OF FUNDS.—

18 (1) IN GENERAL.—A grantee shall use amounts
19 received under a grant under this section to provide
20 training, give treatment (including the provision of
21 antidotes, vaccines or other drugs or biologicals),
22 purchase equipment, and employ personnel as deter-
23 mined to be appropriate by the Director of the Of-
24 fice of Emergency Preparedness to enable the grant-

1 ee to carry out its duties under the State public
2 health disaster plan.

3 (2) TECHNICAL EXPERTISE.—A grantee may
4 use amounts received under a grant under this sec-
5 tion to acquire technical expertise to enable the
6 grantee to develop appropriate responses to biologi-
7 cal or chemical attacks.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated, such sums as may be nec-
10 essary to carry out this section.

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